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    (702) 471-0321
 4
    Attorney for Defendant
    SERGIO ARELLANO
 5
                                 UNITED STATES DISTRICT COURT
 6
                                      DISTRICT OF NEVADA
 7
 8
    UNITED STATES OF AMERICA,
                                             ) Case No.: 2:10-mj-0473-RJJ-RJJ
 9
                Plaintiff,
                                              ) STIPULATION
                                                               TO
                                                                    CONTINUE
                                                                                PRELIMINARY
10
                                              ) HEARING
          vs.
11
    ROCKY MENDOZA,
12
    RAUL AVILA,
    OSCAR SOSA and
    SERGIO ARELLANO,
13
                Defendants.
14
15
          IT IS HEREBY STIPULATED by and between the United States of America, by and
16
    through DANIEL G. BOGDEN, United States' Attorney and KISHAN NAIR, Assistant United
17
    States' Attorney, and MICHAEL I. GOWDEY, ESQ., counsel for Defendant SERGIO ARELLANO,
18
    that the above-encaptioned matter, currently set for Preliminary hearing on October
19
    15,, 2010, be vacated and continued at least 21 days from the date of this Motion, or
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    to a date and time to be set by this Honorable Court.
21
          This Stipulation is entered into for the following reasons:
22
          1. Parties are working on a pre-indictment resolution and request setting before
23
    the court at earliest possible date to resolve the case.
24
           2. Counsel for the Defendant has spoken to the Defendant, and the Defendant has
25
    no objection to the requested continuance.
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-1- LAW OFFICES OF MICHAEL I. GOWDEY, LTD.

NEVADA BAR NO. 6994

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LAS VEGAS, NV 89101

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| 1 | 3. Denial of this request for continuance of the preliminary hearing would |
|----|---|
| 2 | prejudice both the defendants and the Government and unnecessarily consume this |
| 3 | Court's valuable resources, taking into account the exercise of due diligence. |
| 4 | 4. Additionally, denial of this request for continuance would result in a |
| 5 | miscarriage of justice. |
| 6 | 5. The additional time requested by this stipulation is excludable in computing |
| 7 | the time within which the defendants must be indicted and the trial herein must |
| | commence pursuant to the Speedy Trial Act, Title 18 USC, Sec. 3161(b) and Title 18 |
| 8 | USC, 3161(h)(8)(a), considering the factors under Title 18, USC, Sec. 3161(h)(8)(b)(I |
| 9 | and (iv). |
| 10 | DATED this 15TH days as Outshaw 2010 |
| 11 | DATED this 15 TH day of October, 2010. |
| 12 | Respectfully submitted, |
| 13 | DANIEL G. BOGDEN |
| 14 | United States Attorney |
| 15 | /S/ KISHAN NAIR KISHAN NAIR, AUSA |
| 16 | Counsel for Plaintiff |
| 17 | |
| | /s/ MICHAEL I. GOWDEY MICHAEL I. GOWDEY, ESQ. |
| 18 | Attorney for Defendant SERGIO ARELLANO |
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| | |

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| 1 | UNITED STATES DISTRICT COURT |
|----------|--|
| 2 | DISTRICT OF NEVADA |
| 3 | UNITED STATES OF AMERICA,) 2:10-mj-0473-RJJ-RJJ |
| 5 | Plaintiff,)) |
| 6 | Vs.) ORDER CONTINUING) <u>PRELIMINARY HEARING</u> |
| 7 | ROCKY MENDOZA,) RAUL AVILA,) OSCAR SOSA and) SERGIO ARELLANO,) |
| 9 | Defendants. |
| 10 11 | Based on the pending stipulation of counsel and good cause appearing therefore, the Court hereby finds that: |
| 12 | IT IS HEREBY ORDERED that the preliminary hearing in the above-captioned |
| 13 | matter currently scheduled for October 15, 2010, at the hour of 4:00 p.m., be vacated |
| 14 | and continued to Nov. 15 $_{-}$, 2010, at the hour of $_{-}$ 4:00 p.m. |
| 15 16 | DATED this <u>15th</u> day of <u>Oct.</u> , 2010 |
| 17 18 | UNITED STATES MAGISTRATE SUDGE |
| 19 | UNITED STATES MAGISTRALE TOUGE |
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